

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

RIGGS DRUG COMPANY, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:09-CV-538
	)	(VARLAN/SHIRLEY)
AMERISOURCEBERGEN	)	
DRUG CORPORATION,	)	
	)	
Defendant.	)	

**ORDER**

This civil action is before the Court on defendant Amerisourcebergen Drug Corporation's Motion to Dismiss the Complaint [Doc. 5] and Renewed Motion to Dismiss the Amended and Restated Complaint [Doc. 23]. Plaintiff has filed a response to both motions to dismiss [Docs. 19, 39].

This civil action is also before the Court on plaintiff's Motion to Amend Complaint [Doc. 40]. Defendant has filed no opposition to this motion, and the time for doing so has now passed. *See* E.D.TN. LR 7.1, 7.2. Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought. E.D.TN. LR 7.2. April 12, 2010

In light of the lack of opposition, and for good cause shown, plaintiff's Motion to Amend Complaint [Doc. 40] is **GRANTED**. Plaintiff is **DIRECTED** to file the proposed amended complaint within ten (10) days of entry of this order. Inasmuch as the previously-filed complaints have now been superseded by the amended complaint, defendant

Amerisourcebergen Drug Corporation's Motion to Dismiss the Complaint [Doc. 5] and Renewed Motion to Dismiss the Amended and Restated Complaint [Doc. 23] are **DENIED as moot.**

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE